

February 3, 1999

Mr. Michael R. Hull
Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002-1700



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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P.O. Box 12548
Austin, Texas
78711-2548

(512) 463-2100
www.oag.state.tx.us

OR99-0309

Dear Mr. Hull:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121730.

Harris County (the "county") received two open records requests for, among other things, information pertaining to the Harris County "trunked radio system."¹ One requestor seeks the following information:

a numerical listing of all Talkgroup IDs presently assigned to each Harris County Motorola trunked radio system and a description as to whom or to which entity each ID is presently assigned along with a designation as to on which system each ID is presently being utilized, to include any future designation of IDs not presently assigned or being utilized.

The second requestor seeks a

[c]omplete list of radio frequencies and trunking codes/instructions for Motorola 'Smart Zone' radio communications system now being used by County Sheriff, Precinct 4 Constables and any other constables on this system.


You state that these two requests seek "substantially the same" information. You contend that the requested information is excepted from required public disclosure pursuant to, *inter alia*, section 552.108(b)(1) of the Government Code.

¹One of the requestors has sought three categories of information. You explain that the county judge has released the information responsive to one of the requests and that the county judge possesses no information responsive to another of the request. This open records ruling addresses the public nature of only the second requested category of information.

Section 552.108(b)(1) provides an exception for an internal record of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution if "release of the internal record or notation would interfere with law enforcement or prosecution." You explain that the release of the Talkgroup IDs and the names of the individuals to whom they are assigned would enable an individual to program a radio to broadcast on the same radio frequencies utilized by Harris County law enforcement officers. Given this representation, we agree with your contention that the release of this information "would severely hamper law enforcement, detection, investigation, and response, and could jeopardize officer safety and health." We therefore conclude that the county may withhold the requested information from disclosure pursuant to section 552.108(b)(1) of the Government Code.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/ch

Ref.: ID# 121730

Enclosures: Submitted documents

cc: Mr. Charles McCallister
Attorney at Law
1420 West 15th Street, Suite 100
Houston, Texas 77008-3728
(w/o enclosures)

²Because we resolve your request under section 552.108(b)(1), we need not address the applicability of the other exceptions you raised.